you, from what I have heard today.

MR. PODONSKY: That is what our understanding has been, actually, all along. It is just that Ambassador Brooks is actually listening to us.

CHAIRMAN CONWAY: Thank you very, very much. We always attempt to give individuals from the public time to speak, in each and every one of our hearings. I have one individual: Mr. Herman Potter, who represents PACE International Union [Paper, Allied-Industrial, Chemical and Energy Workers], has indicated the desire to speak this morning.

Mr. Potter, please come forward, and we welcome you.

MR. POTTER: Thank you. Thanks for listening to this testimony this morning. My name is Herman Potter, I work for PACE International Union, and I was formerly the health and safety representative for the Portsmouth Gaseous Diffusion Plant in Ohio.

PACE represents hourly employees at 11 of the nuclear DOE sites. There is a need for technically qualified, enforceable federal oversight to police DOE’s health and safety practices. This need is presently underscored by the situation at the
Hanford Tank Farms, where workers have been getting sick for the past year and a half coming out of the high level waste tanks.

Although there is external regulation, is the only credible path forward, we think the situation could be improved through the enforcement of technically sound regulations for construction and industrial health and safety required by the National Defense Authorization Act of 2003.

I do want to thank the Board for affording us an earlier opportunity to brief you on the Hanford Tank Farm issues. It has become plain that DOE and the contractor have been sacrificing workers' health and safety in the pursuit of accelerated cleanup deadlines and enhanced award fees.

Over 1,200 chemicals have been documented in the vapors contained within the Hanford Tank head spaces. Workers are being exposed to these burps of vapors periodically. They are suffering many acute effects, but they are also suffering, potentially suffering from the chronic effects, as indicated by DOE's PNNL [Pacific Northwest National Laboratory] draft report of 1997. As many as 1.6 in 10 will get cancer.

Recently the exposures at these tank farms
have skyrocketed. The DOE is conspicuously silent in the face of these rampant violations of worker health and safety. The DOE, the lack of DOE there actually allows the contractor to provide better appearances that they are actually doing things to take care of the problems which, in reality, is that nothing is being done.

The monitoring plans and practices are inexcusably inadequate. The equipment used to monitor these exposures do not measure, would not measure all the 1,200 chemicals that are potentially there.

And, also, the monitoring practices only capture part of the time that the workers are out there, a very small fraction of the time that the workers are out in the field.

Also the instruments: the way the monitoring is being done, there are exposures that are being unrecorded and unacknowledged. This actually will leave the tank farm workers that could be affected with no dose record.

And, also, the sampling practices and programs will not identify exposures coming from short-term high concentration exposures. In 2000, Congress enacted compensation legislation that actually addressed these type of practices in their
Federal Workers Compensation, the Energy Employees
Occupational Illness Act.

This legislation was promulgated because DOE and its contractors were willfully and professionally negligent in identifying, monitoring, and preventing worker exposures. These conditions continue to exist at the DOE complex.

Also, the contractor at the Hanford Tank Farms, they do allow the workers to have a voluntary respirator program, and they actually -- the workers -- are actually requesting that. Although any request for that type of PPE actually puts them in -- it is always debated, they are always in question of whether they need it or not.

And that is primarily because the contractor maintains that the chemical fumes that are coming out of these tanks are nuisance odors. And that is the position they are actually taking, even though their programs are not adequate enough to ensure that.

The contractor also maintains that the workers need better training to realize that those exposures are not going to hurt them. And actually we disagree with that, because we feel like the workers are exercising their questioning attitude.
They know, they see these programs, and they see these practices, and they are questioning these practices, because they just do not make sense. Actually the other things that they are questioning is why isn't DOE holding the contractor more accountable to address these concerns in the proper manner.

PACE would like to see the DNFSB presence at Hanford, a more robust DNFSB at Hanford, monitoring the tank farm vapor problems. We appreciate the communications with the Assistant Secretary for EM, and appreciate that she is asking the contractor to do more after our meetings with her.

However, we do not think that anything will get done unless somebody is there watching and ensuring it gets taken care of.

PACE recommends the following: One, a resident DNFSB officer shall be placed at the Hanford Tank Farms site to specifically address exposure concerns. This officer would investigate the compliance application of the operations, not just the paper policies that are in place.

We recommend a stand-down of pumping operations until the DNFSB is assured there is a formal procedure for monitoring, which is non-existent, that identifies and characterizes all
potential chemical exposures are in place.

The appropriate controls and PPE [Personal Protective Equipment] are readily available, that no threat of layoffs or subtle harassment exist, that would perpetuate a chilling effect atmosphere.

Also to act as an oversight for DOE’s promulgation of regulations for Order number 440.1A, and make those enforceable. PACE is aware that the DNFSB has intervened to prevent Order number 440.1A from being downgraded to guidelines, and we appreciate your vigilance, and very much want it to continue.

And I want to thank you for this opportunity to appear here today.

CHAIRMAN CONWAY: Thank you.

MR. FORTENBERRY: Yes, I just want to make a couple of general points before we close, just for the record, here, if this is the right time, John?

CHAIRMAN CONWAY: Well, let me just say this. We appreciate, we are obviously looking, and we did meet with you, and we have followed up. We had discussions with Jessie Roberson as a follow-up after you had met with her, also.

And we had the Site Rep out at the location, who has been getting out to, and does get out to the tank farm. In fact, he has been out there
some times, I’ve been told, at two in the morning. But we will continue, obviously, to look into this.

And the problem, I gather, there was a problem out there with some people being laid off. I didn’t get into that, but apparently it has been resolved?

MR. POTTER: They have been reinstated.

CHAIRMAN CONWAY: That is what I understood, yes. So we did follow-up, and there was another matter you had suggested, and we looked into that other matter once you brought it to my attention.

MR. POTTER: Thank you.

CHAIRMAN CONWAY: Thank you. Ken?

MR. FORTENBERRY: Yes, and this is general, on the topic today, and just based on some of the testimony that I heard. I wanted to make one point concerning the idea of too much oversight, and people in the field tripping over each other, doing oversight.

So there is a premise that all the oversight that is needed is being done, and in fact there is too much, so it is reasonable to cut back on that. And I wanted to point out, earlier in the year, the Board staff at Pantex noted some training concerns, looked further into that, looked at the